

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
)
vs.) CRIMINAL ACTION 08-00182-KD
)
RECO DICKERSON,)
)
Defendant.)

ORDER

This action is before the Court on defendant Reco Dickerson's motion for amendment to his Presentence Investigation Report (doc. 98)¹. In the motion, Dickerson argues that his Presentence Investigation (PSI) report erroneously stated that he pointed his handgun at two other persons and demanded return of cocaine. Dickerson points out that in his Position with Respect to Sentencing Factors, he objected to this part of the PSI which cast him as the initial aggressor. Dickerson also points out that the facts contained in the PSI differ from the agreed-upon Offense Conduct in the Factual Resume wherein there is no mention of Dickerson pointing the gun. Upon consideration, and for the reasons set forth herein, the motion is **GRANTED**.

The Court reviewed Dickerson's motion, the PSI, the Factual Resume, the Position of Defendant with Respect to Sentencing Factors, and the Transcripts of the sentencing hearings. Upon review of the transcript, it appears that the Court ascertained at the second hearing that there was insufficient evidence that Dickerson pointed the gun and demanded the return of the cocaine (Transcript, p. 8-10). Accordingly, the Court has amended Dickerson's Statement of Reasons and the Amended Statement has been provided to the Bureau of Prisons. The Court

¹ The motion docketed at document 100 is a duplicate of the motion docketed at document 98.

amended the Statement of Reasons to indicate that it adopts the presentence investigation report with the following changes under the section captioned "Additional Comments or Findings":

"The Court finds that paragraph #8 of the presentence report is amended to strike the accusation that Dickerson pointed the gun at Cole and Wheeler."

The Clerk of the Court is directed to mail a copy of this order and a copy of the Amended Statement of Reasons to Dickerson.

DONE and **ORDERED** this May 24, 2010.

/s / Kristi K. DuBose
KRISTI K. DUBOSE
UNITED STATES DISTRICT JUDGE